

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

John Ley  
Clerk

November 15, 2010

In Replying Give Number  
Of Case and Names of Parties

## VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 09-12513 - Ezell Gilbert v. United States

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issues:

### **Did the district court err in determining that Gilbert is not entitled to relief?**

Appellant's en banc brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Wednesday, December 15, 2010. Appellee's en banc brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Friday, January 14, 2011. Any en banc reply brief by the Appellant must be filed in the Clerk's Office in Atlanta by 5:00 p.m., Monday, January 24, 2011. **NO EXTENSIONS WILL BE GRANTED.** An original and 18 copies of the en banc briefs should be filed (appellant's in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). **NO TIME FOR MAILING SHALL BE ALLOWED.** The filing of an en banc amicus briefs is governed by 11<sup>th</sup> Cir. R. 35-8. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

**All counsel** are requested to file 16 copies of their original opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Wednesday, December 15, 2010.

Oral argument will be conducted during the week of February 14, 2010, in Atlanta, Georgia. Each party will be allotted 20 minutes per side for oral argument. Counsel will receive subsequent correspondence regarding the specific date and time of oral argument.

Thank you for your attention.

Sincerely,

JOHN LEY, Clerk

By: \_\_\_\_\_  
Joyce Pope  
Calendar Clerk/Court Sessions Supervisor  
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Clerk, U.S. District Court (MFL-Tampa)  
Honorable James S. Moody, Jr.